

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHARRON ANNE CAROL,
Plaintiff,

vs.

SOCIAL SECURITY
ADMINISTRATION,

Respondent.

NO. CV-09-019-CI

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Magistrate Judge Imbrogno filed a Report and Recommendation on January 23, 2009, recommending that Plaintiff's Complaint be dismissed for lack of subject matter jurisdiction. (Ct. Rec. 5.) Objections to the Report and Recommendation were due no later than February 9, 2009. On January 27, 2009, Plaintiff filed a statement with documentation regarding her wages and income. (Ct. Rec. 6.) Plaintiff does not object to the Magistrate Judge's finding that she failed to provide evidence regarding exhaustion of administrative remedies as is required by 42 U.S.C. § 405(g). Upon exhaustion of administration remedies, or waiver of such requirement, Plaintiff may refile her complaint if necessary. The Court directs Plaintiff to the instructions on the Notice of Overpayment in order to contest the decision to collect overpayments, including a right to an administrative hearing.

After reviewing the material of record and relevant authority, the

1 Court **ADOPTS** the Report and Recommendation's analysis and conclusion.
2 Plaintiff's Complaint (**Ct. Recs. 2 & 4**) is **DISMISSED WITHOUT PREJUDICE**.

3 **IT IS SO ORDERED.** The District Court Executive shall forward
4 copies of this Order to Petitioner and close the file.

5 **DATED** this 6th day of February 2009.

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7 S/ Edward F. Shea
8 EDWARD F. SHEA
9 United States District Judge

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